

Final Pretrial Conference - 9/15/2022

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 21-20405

NOE GARZA,

Defendant.

**FINAL PRETRIAL CONFERENCE
BEFORE THE HONORABLE MATTHEW F. LEITMAN**
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Thursday, September 15, 2022

APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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- - -

To obtain a certified transcript, contact:
April A. Kurtz, CSR-7347, RPR
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Final Pretrial Conference - 9/15/2022

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MATTER	PAGE
Final Pretrial Conference.....	3
WITNESSES:	
None	
EXHIBITS:	
None	
CERTIFICATE OF REPORTER:.....	8

Final Pretrial Conference - 9/15/2022

1 Detroit, Michigan

2 Thursday, September 15, 2022

3 9:52 a.m.

4 * * *

5 THE CLERK: All rise.

6 The United States District Court for the Eastern
7 District of Michigan is now in session. The Honorable Matthew
8 F. Leitman, United States District Judge, presiding.

9 You may be seated.

10 The Court calls Case Number 21-20405, the United
11 States of America versus Noe Garza.

12 Counsel, please state your appearances for the
13 record.

14 MR. DEPORRE: Good morning, your Honor. Jules
15 DePorre on behalf of the United States.

16 THE COURT: Good morning. Welcome.

17 MR. LONGSTREET: Good morning. May it please this
18 Honorable Court, Charles Oliver Longstreet, II, P68205,
19 appearing on behalf of Mr. Noe Garza, who is seated and appears
20 to my left.

21 THE COURT: Good morning. Welcome to you.

22 Mr. Longstreet, there is not an attorney in America
23 who announces his presence with more enthusiasm than you do,
24 and that's one of the many reasons I enjoy having you practice
25 before me. So, welcome to you.

Final Pretrial Conference - 9/15/2022

1 MR. LONGSTREET: Thank you.

2 THE COURT: Okay. We were here this morning -- we
3 are here this morning. The original plan was to see if there
4 was going to be the entry of a plea.

5 Mr. Longstreet, I am informed by you in chambers that
6 Mr. Garza would like to proceed to trial; is that correct?

7 MR. LONGSTREET: That is correct.

8 THE COURT: Okay. A couple things. The first thing
9 we need to do is agree on dates for a trial.

10 Ms. Ryan, can you remind us for the record what dates
11 we have discussed?

12 THE CLERK: Voir dire would be on November 10th,
13 beginning at 9:00 a.m., with the start of trial on November
14 14th at 9:00 a.m.

15 THE COURT: All right. So when Ms. Ryan says voir
16 dire, that means we would actually select -- finish selecting
17 the jury on that first date.

18 Does that work for the Government, Mr. DePorre?

19 MR. DEPORRE: It does, your Honor.

20 THE COURT: And, Mr. Longstreet, does that work for
21 you and Mr. Garza?

22 MR. LONGSTREET: It works for the defense.

23 THE COURT: Okay. Now, in order to accommodate those
24 dates, we will need to have a Speedy Trial Act stipulation to
25 exclude the time from our current trial date up through the new

Final Pretrial Conference - 9/15/2022

1 trial date.

2 Mr. DePorre, do you agree with that stipulation?

3 MR. DEPORRE: I do.

4 THE COURT: Mr. Longstreet, do you?

5 MR. LONGSTREET: Defense agrees.

6 THE COURT: All right. And it seems to me it makes
7 sense. It gives the defense what would be an essential period
8 of time to fully prepare for trial.

9 Do you agree with that, Mr. Longstreet?

10 MR. LONGSTREET: I do.

11 THE COURT: All right. Mr. DePorre, will you prepare
12 a written stipulation to submit and share it with
13 Mr. Longstreet, get his approval, and we'll enter it?

14 MR. DEPORRE: I will. It will rely on the ends of
15 justice provision based on the defense's need to prepare a
16 motion in limine. As we discussed in chambers, they may intend
17 to prepare some motions in limine and do some other legal
18 research in support of trial motions. And so we will prepare
19 it on those grounds.

20 THE COURT: All right. You agree with that,
21 Mr. Longstreet?

22 MR. LONGSTREET: I do.

23 THE COURT: Okay. Great. Thank you.

24 Okay. And so those will be our trial dates.

25 And we will have a final pretrial conference --

Final Pretrial Conference - 9/15/2022

1 Holly, did I say October 26th at 1:30?

2 THE CLERK: You did.

3 THE COURT: October 26th at 1:30, does that work for
4 you, Mr. DePorre?

5 MR. DEPORRE: It does, your Honor.

6 THE COURT: Mr. Longstreet?

7 MR. LONGSTREET: Works for the defense.

8 THE COURT: All right. And this case was indicted in
9 Flint, but for reasons I discussed with counsel in chambers,
10 given my schedule, I need to try it here in Detroit, but I can
11 only do that if I get an agreement from both parties.

12 Does the Government agree, Mr. DePorre?

13 MR. DEPORRE: We have no objection.

14 THE COURT: And, Mr. Longstreet?

15 MR. LONGSTREET: Defense agrees.

16 THE COURT: Okay. That's all we're going to do for
17 today, unless there's anything else anybody would like to take
18 up. I'll have a substantive final pretrial conference.

19 In terms of the motion in limine, Mr. Longstreet, how
20 long do you need to prepare that and file it?

21 MR. LONGSTREET: I'll have it filed 14 days prior to
22 the hearing.

23 Is that enough time for the Government?

24 MR. DEPORRE: That would be fine for us.

25 THE COURT: Okay. So you'll file 14 days -- and when

Final Pretrial Conference - 9/15/2022

1 I say the hearing, that will be 14 days prior to our final
2 pretrial conference, so --

3 MR. LONGSTREET: That will be the 12th.

4 THE COURT: -- October 12th.

5 Mr. DePorre, can you file a week later?

6 MR. DEPORRE: Absolutely.

7 THE COURT: Okay. Mr. DePorre will file his response
8 on the 19th, and I'll hear argument on that at the final
9 pretrial conference.

10 Anything else, Mr. DePorre?

11 MR. DEPORRE: Just curious if the Court wanted to
12 review the Lafler Frye. I am prepared, at this point, to go
13 forward and put on the record the terms of the offer that was
14 made and the guideline range that would apply.

15 THE COURT: You know, let's do that at the final
16 pretrial conference. I had my signals crossed with Ms. Ryan
17 about whether we were ready to start today and we're behind
18 schedule. But the idea here is the very important one. At the
19 final pretrial conference, we'll place on the record the plea
20 offer that was made and the difference between the plea offer
21 and the possible outcomes at trial.

22 Anything else, Mr. DePorre?

23 MR. DEPORRE: Not on behalf of the Government.

24 THE COURT: Mr. Longstreet?

25 MR. LONGSTREET: Nothing on behalf of the defense.

Final Pretrial Conference - 9/15/2022

Page 8

1 Thank you.

2 THE COURT: Okay. Thank you both for coming. Nice
3 seeing you. I'll see you guys on the 26th.

4 MR. LONGSTREET: Thank you, your Honor.

5 THE CLERK: All rise.

6 Court is in recess.

7 (PROCEEDINGS CONCLUDED AT 9:57 a.m.)

8 * * * * *

9 C E R T I F I C A T I O N

10 I certify that the foregoing is a correct transcription
11 of the record of proceedings in the above-entitled matter.

12

13 s/ April A. Kurtz, CSR-7347, RPR
14 April A. Kurtz, CSR-7347, RPR
Official Court Reporter

06/05/2023
Date

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